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PATENTS  
Application Serial No. 10/040,292  
Confirmation No. 1752  
Attorney Docket No. CKB-089.01

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Morgan et al. )  
Application No: 10/040,292 )  
Filed: October 25, 2001 )  
For: LIGHT SOURCES FOR )  
ILLUMINATION OF LIQUIDS )  
Art Unit: 2821  
Confirmation No.: 1752  
Examiner: A, Minh D

### CERTIFICATE OF MAILING

I hereby certify that the following paper is being deposited with the United States Postal Service as first-class mail in an envelope addressed to Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 28, 2005.

John Barretto

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

### INFORMATION-DISCLOSURE STATEMENT

Sir/Madam:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicants request consideration of this Information Disclosure Statement.

#### PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed more than three months after the filing date of this application and after the mailing date of the first Office

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Action, but before the mailing date of either a final action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution in this application.

The Commissioner is authorized to charge the fee of \$180.00 as set forth in 37 C.F.R. § 1.17(p) to Deposit Account 06-1448, Reference CKB-089.01.

**PART II: Information Cited**

The Applicants hereby make of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicants also wish to bring to the attention of the Examiner the following information:

Pursuant to MPEP §2001.06(c), Applicants bring to the Examiner's attention that two U.S. patents relating to the present application have been involved in litigation. These patents include U.S. Patent No. 6,016,038 and U.S. Patent No. 6,150,774, assigned to Color Kinetics, Inc. The present application is entitled to the benefit of at least one of these two patents, under 35 U.S.C. §120.

The aforementioned patents both are involved in the litigation Case No. 02 CV 11137MEL in the United States District Court, District of Massachusetts.

Applicants acknowledge the duty to disclose to the U.S. Patent Office material information that may arise from these litigations, including evidence of possible prior public use or sales, questions of inventorship, prior art, allegations of "fraud," "inequitable conduct," and "violation of duty of disclosure," or any assertion which is contradictory to assertions made to the Examiner during prosecution of the present application.

To this end, Applicants wish to make of record in the present application the following documents from the litigations, together with all exhibits filed therewith:

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- Color Kinetics v. Super Vision International, Inc., "Super Vision International, Inc.'s Notice of Filing Declaration of Peter Micha," United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.

Applicants make no representation that the above-identified document(s) provide information material to the examination of the present application. Applicants make these documents of record in the present application primarily for completeness to facilitate the Examiner's understanding of the nature of the litigation. The Examiner is urged to form his or her own conclusion regarding the relevance of the information contained in these documents.

### **PART III: Additional Remarks**

Documents cited on the attached form PTO-1449 (modified) are enclosed unless otherwise indicated on the attached form PTO-1449 (modified). It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicants make no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicants make no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

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By submitting this Information Disclosure Statement, the Applicants make no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

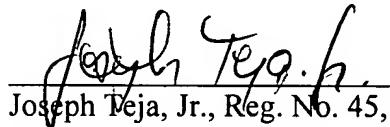
Notwithstanding any statements by the Applicants, again the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 06-1448, Reference CKB-089.01.

Respectfully submitted,

Date: June 28, 2005  
**Customer No: 25181**  
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.